

HOUSE BILL 4107

By Bass

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 28, Part 2, relative to probation and
parole supervision fees

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 28, Part 2, is amended by adding the following as a new appropriately designated section.

§ 40-28-2___. Civil recovery of unpaid supervision fees

(a)(1) Notwithstanding the provisions of any law to the contrary, upon expiration of the term of probation or parole supervision, if any portion of a fee prescribed by § 39-13-705, § 40-28-201, § 40-35-303 or § 40-39-305 remains unpaid and has not been waived by the board or sentencing judge, then the board or its agent may convert the unpaid balance into a civil judgment in accordance with the procedure set forth in this section.

(2) Within the twelve-month period following the expiration of the term of probation or parole supervision, the board of probation and parole or its agent may file a certified copy of the parole certificate, probation certificate or other court document that imposes a statutory duty to pay a supervision fee, along with an affidavit certifying the amount of fees that remain unpaid with an appropriate civil court having jurisdiction over the total amount of the unpaid balance.

(3) At the same time, the board or its agent files a certified copy of the parole certificate, probation certificate or other court document imposing a statutory supervision fee, and the affidavit certifying the unpaid balance with the civil court, the board or its agent shall have the defendant personally served in accordance with the Tennessee rules of civil procedure. The service shall give notice to the defendant of the board's intent to convert the unpaid balance of supervision fees to a civil judgment, include a copy of the documents filed with the court

evidencing the duty to pay the supervision fees, and include a statement as to the amount of unpaid fees the board alleges the defendant still owes.

(4) Upon being served, the defendant shall be permitted to file an answer in accordance with the Tennessee rules of civil procedure

(b)(1) The board may retain an agent to collect, or institute proceedings to collect, or establish an in-house collection procedure to collect unpaid supervision fees as provided for in this section. If an agent is used, the board shall utilize state competitive bidding procedures to select and retain the agent.

(2) Such agent may be paid an amount not exceeding forty percent (40%) of the sums collected as consideration for collecting the unpaid fees.

(3) The written contract between the agent and the board shall include a provision specifying whether the agent may institute an action to collect the unpaid supervision fees in a judicial proceeding.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.